

For additional information, contact:

U.S. Environmental Protection Agency
Region 7, WWPD
Watershed Planning and Implementation Branch
901 N. 5th Street
Kansas City, KS 66101
Phone No. 1-800-223-0425
Website: www.epa.gov/region7/wetlands

Kathleen Mulder, U.S. EPA Region 7
Life Scientist
Kansas Section 404/ Wetlands Prog. Coordinator
Phone No. 913-551-7542
E-mail: mulder.kathy@epa.gov

Carl Stevens, U.S. EPA Region 7
Outreach/Education Coordinator
Phone No. 913-551-7569
E-mail: stevens.carl@epa.gov



WATER - Your Resource For LIFE

785.296.3185 or FAX: 785.296.0878

1-888-KAN-WATER The State's Water Planning Agency

A black and white illustration of a wetland scene. In the foreground, a crane is lifting a large pile of material into a body of water. A truck is parked on a road next to the water. In the background, a house is visible. The scene is surrounded by trees and grass.

**DO I NEED A DREDGE
AND/OR FILL PERMIT?**

Why Do I Need A Permit?

Who Do I Contact?

*Some Project Examples
Internet Sites of Contacts*



Who is Protecting Our Water and Wetlands?

Several federal and state agencies are responsible for protecting water and wetlands in the United States.

In Kansas these agencies include:

U.S. Army Corps of Engineers(Corps),
U.S. Dept. of Agriculture (USDA),
Kansas Dept. of Health and Environment (KDHE),
Kansas Dept. of Wildlife and Parks (KDWP),
U.S. Fish and Wildlife Service (FWS),
Kansas Water Office,
Kansas Dept. of Agriculture (KDA),
Kansas Div. of Water Resources (KDWR),
and
U.S. Environmental Protection Agency (EPA).

Section 404 of the Clean Water Act (CWA) requires that anyone placing dredged or fill material into waters of the United States, including wetlands, must first obtain a permit from the U.S. Army Corps of Engineers (Corps).

Permits and other aspects of the program are jointly administered by the Corps and the U.S. Environmental Protection Agency in partnership with state and local governments.

If you make any modification to a waterbody, or to an area that might be a wetland, you may need a permit or certification from one or more agencies, depending upon the intended activity and the type of the area involved. There may be laws other than the Clean Water Act or regulations which apply for individual situations. We recommend consulting with state, county and local agencies to determine if there are additional requirements.

Waters of the U.S. may include the following:

Lakes
Streams
Rivers
Sloughs
Wetlands
Other

What are Wetlands?

Wetlands are areas that are saturated, flooded or ponded for varying periods of time during the growing season. Wetland vegetation and soils may be different from that of surrounding non-wetlands, due to the effects of water. Wetlands are classified according to the amount of water, geographical location, type of vegetation, and other factors. Some of the types in Kansas are known as marshes, sloughs, and fens.

Benefits of Wetlands

- Provide habitat for fish and wildlife

- Improve water quality and protect related water resources
- Provide flood protection

- Buffer shorelines against erosion

- Provide areas of recreation

Benefits of Streams and Their Vegetative Borders

- Supply drinking water

- Improve and protect surface water quality

- Provide habitat for fish and wildlife

- Provide recreation: fishing, boating and swimming

Why Be Concerned About Wetlands?

Wetlands are very important to all of us. However, they have disappeared at an alarming rate. A large percentage of wetlands have been drained, filled and converted for agricultural production and urban development. It has been estimated that about 48% of Kansas wetlands have been lost. Approximately 57% of threatened and endangered species are found in aquatic habitats.

Once a wetland is destroyed, it is very difficult and sometimes impossible to replace. Even under ideal conditions, it may take years to reestablish the proper vegetation, soil and water conditions which existed in the original wetland.

ACTIVITIES-CONTACTS-REGULATIONS-INTERNET SITES

| If You.... | Who You Need To Contact: | Why.... | Examples of Some Projects Requiring a Permit: | Internet Sites For Information and Copies of the Laws and Regulations: |
|--|---|---|--|--|
| Place Fill Material or Excavate in Waters of the U.S., including a Wetland, or Excavate or Remove Material from Waters of the U.S. Obstruct a Stream Construct Fills or Levees in Floodplains | U.S. Army Corps of Engineers Kansas City District: NE KS Area: 601 E. 12th St. Kansas City, MO 64106 Phone: 816-983-3990 N. KS Area: 107 Riverside Dr. Marquette, KS 67464 Phone: 785-546-2130 S. KS Area: 2710 NE Shady Creek Access Road El Dorado, KS 67042 Phone: 316-322-8247 | Section 404 of the Clean Water Act (CWA) requires that the Corps of Engineers issue a permit for the discharge of dredged or fill material into waters of the U.S., including wetlands (33 USC 1344). The Corps permit regulations are in 33 CFR 320-330. | May include, but aren’t limited to: Building or modifying a dam, creek, waterway, wetland, pond or stream | U.S. Army Corps of Engineers, Kansas City District: http://www.nwk.usace.army.mil/regulatory/regulatory.htm |
| | Kansas Dept. of Health and Environment, Watershed Management Section, Bureau of Water 1000 SW Jackson St., Suite 420 Topeka, KS 66612 Contact: Scott Satterthwaite Phone: 785-296-5573 | K.A.R (Kansas Administrative Regulations) 28-16–28b thru 28f(c)(1) Sec. 401 of the CWA | Any projects that could discharge or cause runoff of pollutants to Kansas waters | Kansas Dept. of Health and Environment http://www.kdhe.state.ks.us/nps/index.html#resources |
| | Kansas Department of Agriculture, Div. of Water Resources 109 SW 9 th St., 2 nd Floor Topeka, KS 66612 Contact: Edward Byrd Phone: 785-296-2933 | K.S.A. (Kansas Statutes) No. 82a-301 to 305a | Constructing or changing a dam, levee, or any other water obstruction | Kansas Dept. of Agric., Div. of Water Resources http://www.accesskansas.org/kda/dwr |
| | | K.S.A. No. 24-126 | Constructing or changing a levee or fill | |
| Have Stormwater Runoff from Construction Activites | Kansas Dept. of Health and Environment, Industrial Programs, Bureau of Water 1000 SW Jackson St., Suite 420 Topeka, KS 66612 Phone: 785-296-5549 | K.S.A. No. 65-164 & K.S.A. No. 65-165 & K.A.R. No. 28-16-28 et seq. (Other regulations may be applicable.) Sec. 402 of the CWA | Stormwater runoff from construction activities | Kansas Dept. of Health and Environment http://www.kdhe.state.ks.us/stormwater/index.html |
| Need Assistance with Farm Management Plans or Soil Conservation (for example, the Conservation Reserve Program or Wetlands Reserve Program) | U.S. Dept. of Agriculture, Natural Resources Conservation Service (NRCS), Local Farm Service Center Contact: Dist. Conservationist Phone: See your local directory | Technical planning and program eligibility for potential cost share assistance | Check with local NRCS representative to insure that other permits are not required | NRCS http://www.ks.nrcs.usda.gov/KSPrograms2.html |
| Need Technical Assistance for Determination of Federal Endangered Species | U.S. Fish and Wildlife Service 315 Houston Manhattan, KS 66846 Contact: Susan Blackford Phone: 785-539-3474 | Federal Endangered Species Act of 1973 (ESA) Reg: 50 CFR Part 17 Act: Title 16 USC, Sec. 1540 | Projects in federal and state refuges and parks | U.S. Fish and Wildlife Service. http://www.r6.fws.gov/ks.html |
| Need Technical Assistance for Determination of State Endangered Species | Kansas Dept. of Wildlife and Parks 512 SE 25 th Ave. Pratt, KS 67214 Contact: Chris Hase Phone: 620-672-5911 | K.S.A.32-957 thru 32-963, 32-1009 thru 32-1012, and 32-1033. K.A.R. 115-15-1 and 115-15-3 | A state permit for endangered species may be required | Kansas Dept of Wildlife and Parks. http://www.kdwp.state.ks.us |
| Need Long-Term Water Planning and Policy Information | Kansas Water Office 901 S. Kansas Avenue Topeka, KS 66612 Contact: Steve Hurst Phone: 785-296-3185 | Information on high priority areas in the 12 Kansas river basins, and potential educational demonstration site proposals. | None required | Kansas Water Office http://www.kwo.org |

Note: During the Section 404 Process, the Corps will coordinate with KDHE, KDWR, FWS, EPA, KDWP and other state and federal agencies regarding the public interest issues about your project. If you need to apply for a permit from KDWR, they will coordinate with all of the appropriate state agencies through the Environmental Coordination Act (ECA).